Table of Contents

IAB CASE NO. **IV2281711**

E - Classic Parking Inc., Free Parking Log

F - Los Angeles Police Department Follow-up Investigation Report authored by Detective [redacted]

G - Metro Traffic Court Daily Receipts List

MISCELLANEOUS DOCUMENTS

- Trip Log Summary and Unit History for Transportation Bus 503A
- Title 15 log for Metro Court Lock-up for January 20, 2011
- Request for Administrative Investigation
- Copy of the In-service for Metropolitan Court for the Week of January 18, 2011 - January 21, 2011

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

COMPLAINANT: [redacted]

DATE / TIME: January 20, 2011 / 1100 hours

DEPARTMENT KNOWLEDGE DATE: January 20, 2011

LOCATION: Metropolitan Court House
1945 S. Hill Street, Los Angeles 90007

IAB #: IV2281711

SUBJECTS: Tzeman Keung #[redacted]
Deputy Sheriff
Court Services Central Bureau

ALLEGATION

The complainant alleged a deputy sheriff sexually assaulted her when she brought her car to the vehicle inspection area of the Metropolitan Court House.

SYNOPSIS

> **IAB Note: During the criminal investigation conducted by the Los Angeles Police Department, the complainant requested her name remain confidential. On May 14, 2012, I spoke to Elizabeth Miller of the Legal Advisory Unit regarding the confidentiality request the complainant signed with LAPD [Exhibit A]. She advised to redact the complainant's name from the administrative case to comply with the confidentiality request. Throughout the LAPD investigation, the complainant had been identified as [redacted] or [redacted] To maintain consistency, the complainant is also identified as [redacted] or [redacted] in this summary and attached transcripts.**

On January 20, 2011, the complainant took her car to the vehicle inspection area of the Metropolitan Court House. She had received a citation **[Exhibit B]** for an inoperable headlight, which had been repaired. Subject Tzeman Keung was working the inspection area on that day and inspected the complainant's car.

Later that day the complainant reported to LASD personnel she been sexually assaulted by a deputy sheriff in the vehicle inspection area of the court house. The physical descriptions of the deputy that was provided by the complainant matched Subject Tzeman Keung. The matter was referred to the Los Angeles Police Department for a criminal investigation.

The Complainant reported to LAPD that while she was in the office at the vehicle inspection area, the deputy assisting her grabbed her breasts and made comments about her breasts. Later, the deputy entered her car, had her drive into an underground parking structure where he masturbated through his pants, tried to get her touch his penis and attempted to expose himself to her. The complainant said the deputy touched her vagina though her clothing. For further refer to the police reports in **Exhibit C.**

> **IAB Note: LAPD declined to provide the Department with copies of the police reports or audio files. The reports and audio files were subsequently obtained through Deputy District Attorney Deborah Escobar.**

The criminal case was presented to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's office on February 22, 2011 by LAPD. As of October 15, 2012, the case is still under review by JSID.

The entrance and exit of the parking structure was monitored by a surveillance camera. On the surveillance video **[Exhibit D]** cars can be seen entering and leaving the structure; however, the occupants of the cars aren't recognizable. The video is time stamped for 01/20/11 between 11:14:47 A.M. and 1:25:59 P.M.

As part of the criminal investigation, Detectives from LAPD took the complainant's clothing as evidence. On September 25, 2012, the clothing was sent out for DNA testing. On October 12, 2012, Detective [redacted] of LAPD advised it was unknown as to when the DNA testing would be completed.

Interviews

The following interview summaries were based on statements given during audio recorded interviews by the subjects and witnesses. For complete and detailed statements refer to the digital audio recorded files or the verbatim transcripts, which are included in this investigation.

Complainant Interview

[redacted]

On December 22, 2011, the complainant was interviewed in the law library at the Justice System Integrity Division (JSID). Present in the interview was Deputy District

Attorney Deborah Escobar, Los Angeles Police Department Detective [redacted] and Sergeant Victor Allen of the Los Angeles County Sheriff's Department Internal Affairs Bureau. The interview was conducted by DDA Escobar utilizing Detective [redacted] to translate the complainant's statement from Spanish to English. The following is a summary of the interview.

The complainant said she went to have her car inspected for a citation she received for a broken light. She said she arrived at the inspection area between 11:40 A.M. and noon. When she arrived in the inspection area the complainant said there was one car ahead her. She remained in her car while the deputy assisted the car in front of her. The complainant said when the deputy inspected her car she handed him her paper work and stayed in the car. After he completed the inspection, the complainant said the deputy had her go inside the office.

The complainant said she moved her car to the side and went inside the office. Once they were in the office, the complainant said the deputy told her the computer system was slow. As other cars were arriving at the inspection area, the complainant said the deputy was directing the other cars to go somewhere else. The complainant said the deputy handed her a piece of paper and asked her to write down her name and phone number. The complainant said she thought the deputy needed the information because he could not type it into the system. At this time, the complainant said a counter was in between them. After she handed the paper to the deputy, the complainant said the deputy came around to the end of the counter and he looked her up and down. The complainant said the deputy asked her if she was married, if she had any children and told her he liked her body. The complainant said the deputy asked her if she liked his body. The complainant said she tried to ignore him. **(Refer to page 3 of the complainant's JSID interview.)**

The complainant said the deputy told her he liked her breasts. She said he used the word "tetas" which is Spanish for breasts. The complaint said she ignored him by remaining quiet and the deputy asked her if she understood what he had said. **(Refer to page 5 of the complainant's JSID interview.)**

The complainant said the deputy told her she needed to get a money order. She told the deputy she would be back and the complainant said the deputy moved to the side of the door blocking her exit. The complainant said the deputy grabbed both of her breasts with each of his hands and told her he liked big breasts. She said the deputy was standing in front of her when he grabbed her breasts. She said they were still inside the office, the door was slightly open and the deputy was blocking the door with his foot. The complainant said she told the deputy not to do it and the deputy moved his hands back. The complainant said she asked him why he did it and the deputy did not

respond. The complainant said she left to get a money order. **(Refer to pages 3-7 of the complainant's JSID interview.)**

> **IAB Note: The complainant acknowledged that in her initial interview with LAPD she stated the deputy grabbed her from behind. She said since this incident she had been seeing a psychologist and her mind is more clear. (Refer to page 6 of the complainant's JSID interview.)**

The complainant said when she left to get the money order she did not tell anyone what happened. She said she was confused and afraid. She felt defenseless because he was an officer and had a gun. The complainant said she did not want to go back, but said she had to comply with the law and complete the process. She said she had no one else to complete it for her. **(Refer to pages 7-8 of the complainant's JSID interview.)**

The complainant said when she returned, the deputy told her to pull over and stop. He told her to write LASD on the money order and he took it inside the office. He told her he would put the money order in the express mail or express pay and it would go directly to the court. The complainant said she waited in her car. She said the deputy returned to her car and opened the passenger's door and got in the car. He had a blue water bottle in his hand, said it was his lunch time and ordered her to take him to his car in the parking lot. The complainant said the deputy signed a log **[Exhibit E]** to enter the parking lot so she did not have to pay.

The complainant said she drove down to the third level of the parking structure because the deputy was telling her to drive and go down. Once they reached the third level, the complainant said there were only a few cars down there. The complainant said she looked over and saw the deputy was masturbating over the top of his clothing. She said she could not tell if he had an erection. The deputy told her to park in a dark area of the parking structure. About that time, the complainant said she received a phone call from [redacted] The complainant said she lied to the deputy by telling him [redacted] was sick so she could leave. She said the deputy asked her to promise she would return. The complainant said she promised to return the next day and to let him do whatever he wanted. **(Refer to pages 9-11 and 14 of the complainant's JSID interview.)**

The complainant said she drove back up to the inspection area. She parked her car and asked the deputy to please get out. She said her car was a standard shift and she had her hand on the shift handle. The complainant said the deputy placed his hand over the top of her hand and began to go up and down simulating masturbation. She said he took her hand and placed it over his penis. At that time, the complainant said she could feel that his penis was erect. The complainant said she told the deputy, "Please don't," and she pulled her hand back. The complainant said the deputy reclined the seat back

and asked her if she wanted to see his penis. The complainant said she told him, "Please don't do that." She said the deputy told her to "kiss his parts" and the deputy appeared to be unzipping his pants. The complainant said the deputy saw she was becoming hysterical and sat up in his seat. She said with his left hand, the deputy grabbed her vagina. Then the complainant said the deputy grabbed her right breast with his left hand. She said she told him to get out, that she had to get [redacted] The complainant said the deputy agreed to get out when she promised to return the next day. **(Refer to pages 14-15 and 22 of the complainant's JSID interview.)**

Civilian Interviews

[redacted]

[redacted] was interviewed by Detective [redacted] of the Los Angeles Police Department. In his statement, Witness [redacted] said he loaned Subject Keung his cell phone. He believed Subject Keung used his cell phone to call the complainant. His complete statement was summarized in the supplemental report **[Exhibit F].**

> **IAB Note: The complainant stated she believed a witness observed Subject Keung at her driver's door shortly before she left the vehicle inspection area. The following individuals had their cars inspected on January 20, 2011 and are listed after the complainant on the daily receipt's list [Exhibit G].**

On May 23, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. She had taken her vehicle to vehicle inspection area on January 20, 2011. Ms. [redacted] stated she did not see anything unusual occur at the vehicle inspection while she was there.

On May 24, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. Ms. [redacted] stated she did not see anything occur at the vehicle inspection area.

On May 24, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. Ms. [redacted] stated she did not see anything occur at the vehicle inspection area.

On May 24, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. She returned a message left for her husband [redacted]. Ms. [redacted] stated she

had taken the citation to Metropolitan Court on January 20, 2011. She said [redacted] did not go. Ms. [redacted] said she did not see anything unusual occur at the vehicle inspection.

On May 24, 2012, was interviewed by Sergeant Victor Allen of Internal Affairs Bureau [redacted] ([redacted]) by telephone. Mr. [redacted] stated he did not see anything occur at the vehicle inspection area.

On May 24, 2012, Sergeant Carlos Flores interviewed [redacted] ([redacted] by telephone. This interview was conducted in Spanish. Mr. [redacted] stated he did not see anything occur at the vehicle inspection area.

On May 25, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. Ms. [redacted] stated she did not see anything occur at the vehicle inspection area.

On May 29, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. He had no recollection of receiving a citation or going to the vehicle inspection area.

On June 22, 2012, [redacted] ([redacted]) was interviewed by Sergeants Victor Allen and Mark Reyes of Internal Affairs Bureau at her home. She stated she did not see anything occur at the vehicle inspection area.

On June 25, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. He stated he took his car to the vehicle inspection area of the Metropolitan Court. He stated he did not see anything unusual occur at the vehicle inspection area.

On July 2, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. He stated he had taken his car to the vehicle inspection area at the Metropolitan Court. While he was there, he said no other vehicles were being inspected. He said he did not see anything unusual occur at the inspection area.

On July 3, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. He stated he had one of his employee, [redacted], take his vehicle to the vehicle inspection area at the Metropolitan court. Sergeant Mark Reyes

interviewed Mr. [redacted] by telephone. This interview was conducted in Spanish. Mr. [redacted] said he did not see anything unusual at the vehicle inspection area.

On July 3, 2012, [redacted] ([redacted]) was interviewed by Sergeant Victor Allen of Internal Affairs Bureau by telephone. His statement was translated from Farsi to English by [redacted]. Mr. [redacted] said went to Metropolitan court on January 20, 2011, but he did not go to the vehicle inspection area. He said he went into the court house to get a court date.

On July 2, 2012, Sergeants Victor Allen and Mark Reyes of Internal Affairs Bureau went to the address listed on DMV records for [redacted]. The address ([redacted]) was for a business named "[redacted]" The owner, who wished to remain anonymous, provided a contact number [redacted] for Ms. [redacted]. We called the phone number but it was not working. We went to the address listed on the citation, [redacted]. We contacted [redacted] at that location. She stated [redacted] does live at the location and she does not know her.

A letter was sent to [redacted] requesting she contact IAB Investigators. The letter was "returned to sender unable to forward."

> **IAB Note: The complainant stated she observed an employee working out in the gym area of the vehicle inspection area. The following Deputy personnel were identified by Senior Deputy [redacted] as either matching the description provided by the complainant or possibly relieving Subject Keung for his lunch break.**

Employee Interviews

Deputy Alexander Tobali #[redacted]

On July 31, 2012, Deputy Alexander Tobali was interviewed by Sergeant Victor Allen of Internal Affairs Bureau in the Sergeant's office of Metropolitan Court.

Deputy Tobali stated he works out in the gym by the vehicle inspection area. He said he did not have a specific recollection of working out on January 20, 2011 in the gym. On occasion, he said he had seen Subject Keung working the vehicle inspection while working out. Deputy Tobali said he did not see anything odd or inappropriate between Subject Keung and the individuals having their cars inspected.

Deputy Daniel Cerda #[redacted]

On July 31, 2012, Deputy Daniel Cerda was interviewed by Sergeant Victor Allen of Internal Affairs Bureau in the Sergeant's office of Metropolitan Court.

Deputy Cerda stated he does not work out in the gym at the Metropolitan Court. He said he does not recall ever relieving Subject Keung or seeing him interact with anyone bring their cars to the vehicle inspection.

Deputy Christopher Baranov #[redacted]

On July 31, 2012, Deputy Christopher Baranov was interviewed by Sergeant Victor Allen of Internal Affairs Bureau in the Sergeant's office of Metropolitan Court.

Deputy Baranov stated he works out in the gym at Metropolitan Court. He said he had seen Subject Keung working the vehicle inspection area, but he had not seen him interact with anyone who brought their car in for inspection.

Deputy Gerald Denson #[redacted]

On July 31, 2012, Deputy Gerald Denson was interviewed by Sergeant Victor Allen of Internal Affairs Bureau in the Sergeant's office of Metropolitan Court.

On January 20, 2011, Deputy Denson recalled working the LAPD lock-up position at Metropolitan Court. In that position, Deputy Denson said he would relieve the vehicle inspection deputy. Deputy [redacted] said he might have relieved Subject Keung on January 20, 2011, but he did not recall. He said he has seen Subject Keung interact with both males and females who brought their car in to be inspected, but he had not seen anything inappropriate.

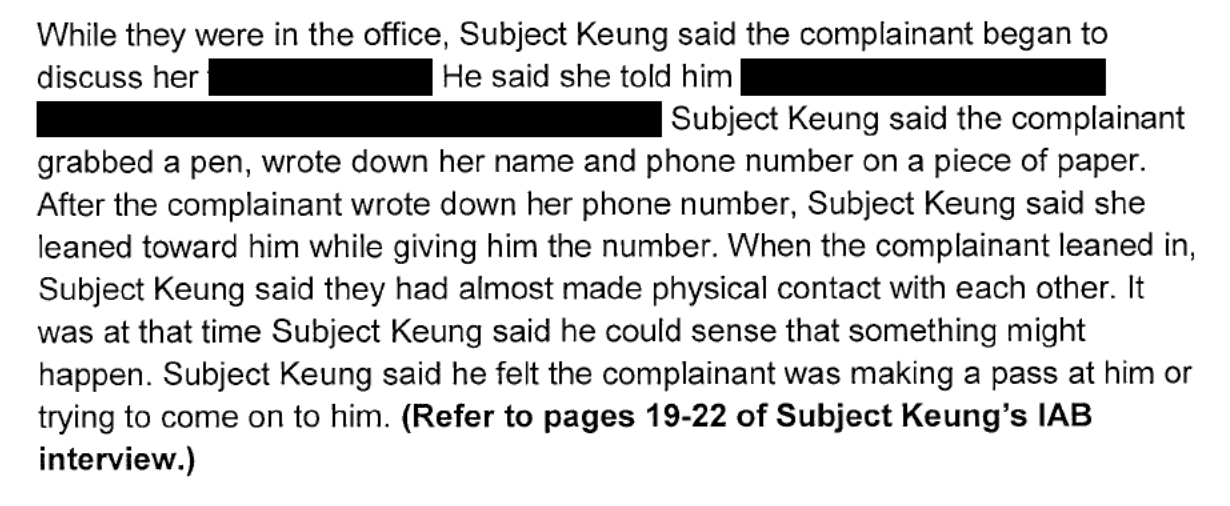
Subject Interview

Deputy Tzeman Keung #[redacted]

On February 1, 2011, Deputy Tzeman Keung was interviewed by Detectives [redacted] and [redacted] of the Los Angeles Police Department's Robbery-Homicide Special Assault Section. This interview was summarized in a follow-up investigation report authored by Detective [redacted] **[Exhibit F].**

On February 23, 2012, Sergeants Victor Allen and Chad Smeltzer of the Los Angeles County Sheriff Department's Internal Affairs Bureau interviewed Subject Tzeman Keung. The interview took place at Internal Affairs Bureau. Representing Subject Keung during the interview was Attorney Audra Call of the Law Offices of Green and Shinee.

Subject Keung stated he was working the in the vehicle inspection area of Metropolitan Court (1945 S. Hill Street, Los Angeles). His duties were to inspect vehicles for correctable violations and provide certification. Prior to January 20, 2011, Subject Keung said he worked the vehicle inspection area in excess of 10 times. He said he did not receive any formal training through a class for conducting inspections, but learned on the job from more experienced deputies.



Subject Keung said he recalled contacting the complainant at the vehicle inspection area. He said he followed his normal duties by asking for her citation to pinpoint the violation. Subject Keung said he walked around the exterior of the complainant's car, and then proceeded to the office. In the office, he said he attempted to input the information for the citation into the computer system. However, he said he believed the computer was not working properly that day. He said he might have referred the complaint to the CHP to complete the inspection.

While they were in the office, Subject Keung said the complainant began to discuss her [redacted] He said she told him [redacted] Subject Keung said the complainant grabbed a pen, wrote down her name and phone number on a piece of paper. After the complainant wrote down her phone number, Subject Keung said she leaned toward him while giving him the number. When the complainant leaned in, Subject Keung said they had almost made physical contact with each other. It was at that time Subject Keung said he could sense that something might happen. Subject Keung said he felt the complainant was making a pass at him or trying to come on to him. **(Refer to pages 19-22 of Subject Keung's IAB interview.)**

When asked, Subject Keung said he did not remember if he asked for her phone number. Subject Keung said the complainant was standing with her back to the door facing him. He said he believed he reached around the complainant and opened the door. Subject Keung said they walked out the office and the complainant drove away. He said he did not recall if he made contact with the complainant when he opened the door. He recalled that the only physical contact he made with the complainant was shaking her hand. When asked how close he was to the complainant, Subject Keung said they were within two feet of each other. When asked if he touched the complaints breasts, Subject Keung said, "No." Subject Keung also denied telling the complainant she had beautiful breasts. **(Refer to page 17 of Subject Keung's IAB interview.)**

Subject Keung said the complainant returned later with a money order. He said he took the money order from her and placed it in a drop box inside his office. Subject Keung said he returned to the complainant's car and they had a conversation. During the conversation, he said the complainant mentioned she had more business to conduct in

the courthouse. Subject Keung said he entered the complainant's car and sat in the passenger seat. Subject Keung said he directed the complainant to the parking structure. He said he signed the log **[Exhibit E]** for the parking structure which allowed the complainant to park for free. Subject Keung said he did this to help her out. He said he felt bad the complainant had to come back and it's his general practice to be nice.

While they were in the parking structure, Subject Keung said the complainant asked where his vehicle was parked. He said he believed there was a language barrier and the complaint believed she was giving him a ride to his car. During the time they were in the parking structure, Subject Keung said the complainant received a call from her daughter. After the call the complaint said she had to go. Subject Keung said they drove out of the parking structure, the complainant dropped him off and she drove away.

In his Internal Affairs interview Subject Keung was asked the following direct question to address specific allegations made by the complainant.

When asked if, during his contact with the complainant, he tried to masturbate or simulated he was masturbating, Subject Keung said no.

When asked if, during contact with the complainant, he rubbed his penis on the outside of his clothing, Subject Keung said no.

When asked if he placed his hands inside his pants at any point during his contact with the complainant, Subject Keung said no.

When asked if he touched or tried to touch the complainant's vagina through the outside of her clothing, Subject Keung said no.

When asked if he touched the complainant's leg near her vagina, Subject Keung said no.

When asked if he touched any part of the complainant's leg or stroked her leg with his hand, Subject Keung said no.

When asked if he touched any part of the complainant's leg near her vagina, Subject Keung said no.

When asked if he rubbed any part of the complainant's leg or body, Subject Keung said no.

When asked if he touched the gear shift in her car, Subject Keung said he didn't remember, but he didn't think he did.

When asked if made any comments about the complainant's body or appearance, Subject Keung said no.

When asked if he had an erection while he was in the complaint's car, Subject Keung said no.

When asked if he asked the complainant to "kiss his dick," Subject Keung said no.

When asked if he told the complainant he liked her boobs, Subject Keung said no.

When asked if he tried to or placed the complainant's hand on his groin, Subject Keung said no.

When asked if he unzipped his pants, Subject Keung said no.

When asked if he spoke to the complainant in Spanish, Subject Keung said no.



Leroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



October 23, 2012

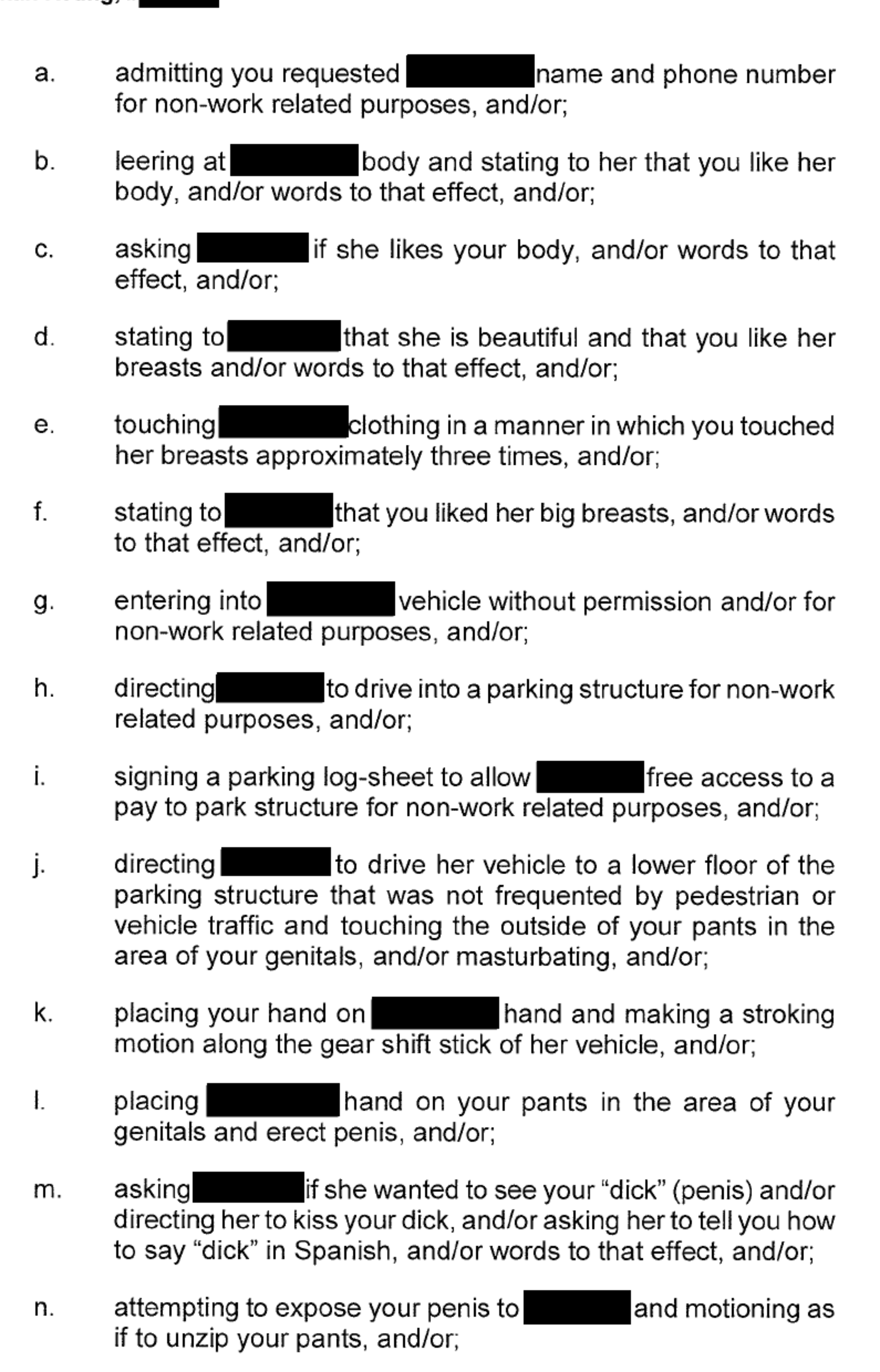
Deputy Tzeman Keung, #[redacted]

Dear Deputy Keung:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business November 14, 2012.

An investigation under IAB File Number 2281711, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10 Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.06, Inappropriate/Disorderly Conduct; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.85, Derogatory Language, on or about January 20, 2011, while on duty and working in uniform at the vehicle inspection area of the Metropolitan Court Building, you failed to perform your duties in a manner which conformed to the standards of your position when you caused undue embarrassment and/or damaged the reputation and/or public's confidence in the Department by treating [redacted] a female patron whose complete identity is restricted due to a confidential criminal investigation, in a disrespectful and uncivil manner. You also engaged in behavior which involved moral turpitude and used profane language when you interacted with [redacted] bringing discredit upon yourself and/or the Department as evidenced by, but not limited to the following:



a. admitting you requested [redacted] name and phone number for non-work related purposes, and/or;

b. leering at [redacted] body and stating to her that you like her body, and/or words to that effect, and/or;

c. asking [redacted] if she likes your body, and/or words to that effect, and/or;

d. stating to [redacted] that she is beautiful and that you like her breasts and/or words to that effect, and/or;

e. touching [redacted] clothing in a manner in which you touched her breasts approximately three times, and/or;

f. stating to [redacted] that you liked her big breasts, and/or words to that effect, and/or;

g. entering into [redacted] vehicle without permission and/or for non-work related purposes, and/or;

h. directing [redacted] to drive into a parking structure for non-work related purposes, and/or;

i. signing a parking log-sheet to allow [redacted] free access to a pay to park structure for non-work related purposes, and/or;

j. directing [redacted] to drive her vehicle to a lower floor of the parking structure that was not frequented by pedestrian or vehicle traffic and touching the outside of your pants in the area of your genitals, and/or masturbating, and/or;

k. placing your hand on [redacted] hand and making a stroking motion along the gear shift stick of her vehicle, and/or;

l. placing [redacted] hand on your pants in the area of your genitals and erect penis, and/or;

m. asking [redacted] if she wanted to see your "dick" (penis) and/or directing her to kiss your dick, and/or asking her to tell you how to say "dick" in Spanish, and/or words to that effect, and/or;

n. attempting to expose your penis to [redacted] and motioning as if to unzip your pants, and/or;

o. touching [redacted] leg and then touching her clothing in a manner in which you placed your hand on the area of her vagina.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about February 23, 2012, you failed to make full, complete and truthful statements and/or made false statements during an internal investigation as evidenced by, but not limited to the following:

   a. stating "No," when asked if you played with yourself or attempted to masturbate at any time during your contact with [redacted] and/or;

   b. stating "No," when asked if you rubbed your penis by touching the outside of your clothing covering your penis, and/or;

   c. stating "No," when asked if you touched [redacted] vagina by touching the outside of her clothing covering her vagina, and/or;

   d. stating "No," when asked if you tried to touch [redacted] vagina by touching the outside of her clothing covering her vagina, and/or;

   e. stating "No," when asked if you rubbed [redacted] leg, and/or;

   f. stating "I don't remember. I exit out and I, I didn't remember where I went after that," when asked if you went to the driver's side of [redacted] car after they exited the parking structure, and/or;

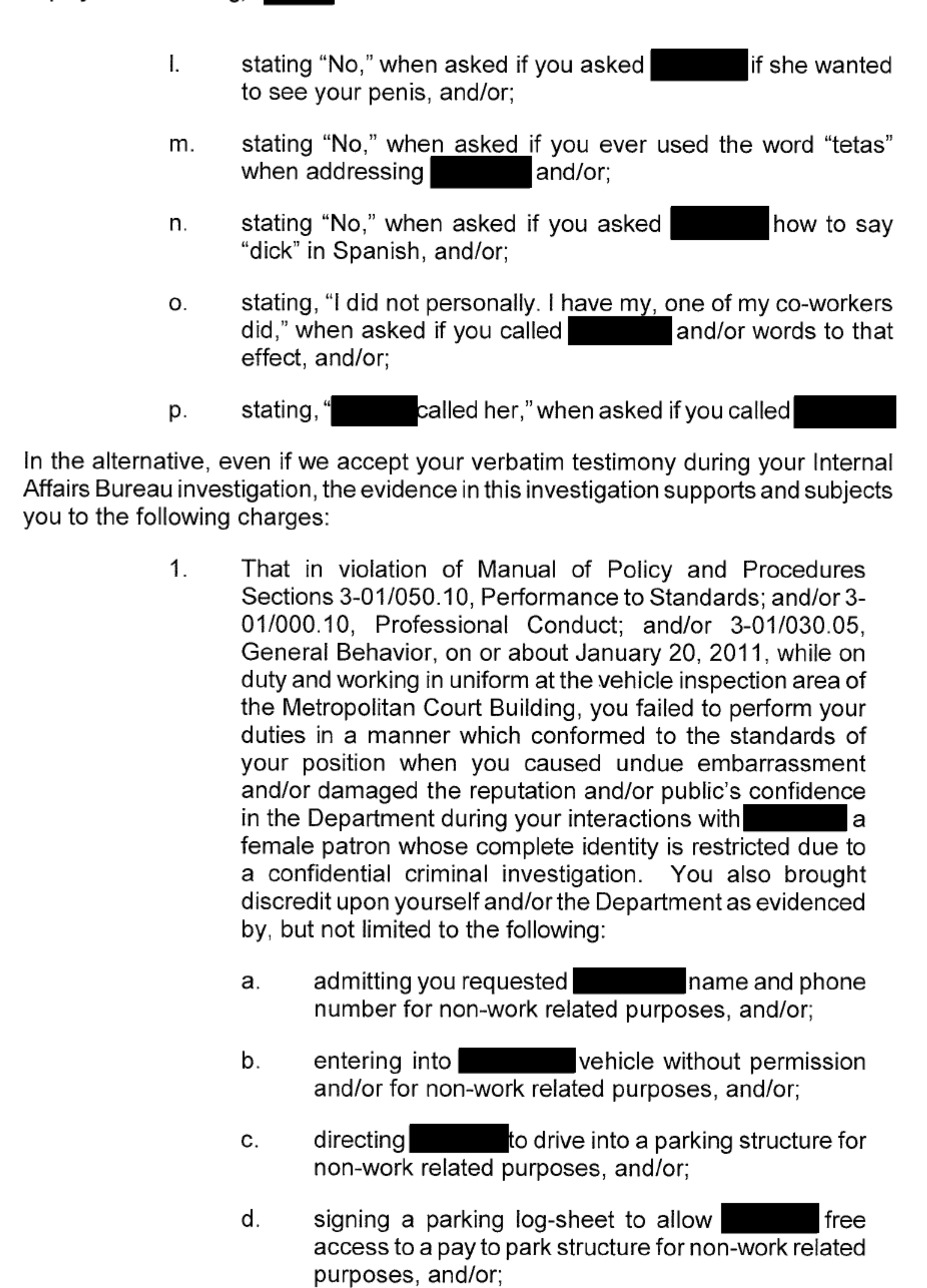
   g. stating "No," when asked if you made statements regarding the appearance of [redacted] body, and/or;

   h. stating "No," when asked if you asked [redacted] if she liked your body, and/or;

   i. stating "No," when asked if you asked [redacted] to kiss your "dick", and/or;

   j. stating "No," when asked if you placed [redacted] hand on your groin area, and/or;

   k. stating "No," when asked if you grabbed [redacted] hand, and/or;



l. stating "No," when asked if you asked [redacted] if she wanted to see your penis, and/or;

m. stating "No," when asked if you ever used the word "tetas" when addressing [redacted] and/or;

n. stating "No," when asked if you asked [redacted] how to say "dick" in Spanish, and/or;

o. stating, "I did not personally. I have my, one of my co-workers did," when asked if you called [redacted] and/or words to that effect, and/or;

p. stating, "[redacted] called her," when asked if you called [redacted]

In the alternative, even if we accept your verbatim testimony during your Internal Affairs Bureau investigation, the evidence in this investigation supports and subjects you to the following charges:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior, on or about January 20, 2011, while on duty and working in uniform at the vehicle inspection area of the Metropolitan Court Building, you failed to perform your duties in a manner which conformed to the standards of your position when you caused undue embarrassment and/or damaged the reputation and/or public's confidence in the Department during your interactions with [redacted] a female patron whose complete identity is restricted due to a confidential criminal investigation. You also brought discredit upon yourself and/or the Department as evidenced by, but not limited to the following:

   a. admitting you requested [redacted] name and phone number for non-work related purposes, and/or;

   b. entering into [redacted] vehicle without permission and/or for non-work related purposes, and/or;

   c. directing [redacted] to drive into a parking structure for non-work related purposes, and/or;

   d. signing a parking log-sheet to allow [redacted] free access to a pay to park structure for non-work related purposes, and/or;

e. directing [redacted] to drive her vehicle to a lower floor of the parking structure for non-work related purposes, and/or;

f. directing [redacted] to drive to a secluded area near the vehicle inspection area for non-work related purposes, and/or;

g. calling, and/or having a phone call placed to [redacted] while on duty without a work-related purpose.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about February 23, 2012, you failed to make full, complete and truthful statements and/or made false statements during an internal investigation as evidenced by, but not limited to the following:

   a. stating, "I did not personally. I have my, one of my co-workers did," when asked if you called [redacted] and/or words to that effect, and/or;

   b. stating, "[redacted] called her," when asked if you called [redacted].

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Richard Barrantes, on November 14, 2012, at 1400 hours, in his office, which is located at 1000 South Fremont Avenue, Bldg A, 9E 5th floor Alhambra, California 91803. If you are unable to appear at the scheduled time and wish to schedule some other time prior to November 14, 2012, for your oral response, please call Chief Barrantes' secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Barrantes' secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Barrantes' office by no later than November 14, 2012.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary

hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Alicia E. Ault, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

AEA:pp

c: Advocacy Unit
Employee Relations Unit
Chief Richard Barrantes, Court Services Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File #2281711)



CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

May 6, 2015

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **TZEMAN KEUNG** for a hearing on his **discharge**, effective November 26, 2012, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 12-378**.

The Civil Service Commission, at its meeting held on April 29, 2015 approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Donner was absent.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Tzeman Keung
Audra Call
Michael Heider
Joseph Scully

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

*In the matter of the **discharge**, effective November 26, 2012, from the position of Deputy Sheriff, Sheriff's Department, of* **TZEMAN KEUNG** **(Case No. 12-378)**	ORDER OF THE CIVIL SERVICE COMMISSION

On April 29, 2015, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objections, and adopted as its final decision the findings and recommendation of the Hearing Officer, Joseph Scully, to sustain the Department. Commissioner Donner was absent.

Dated this 6th day of May, 2015.

Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

Absent JOHN DONNER, Member



LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

In the Matter of the Appeal by	
	Case No. 12-378
TZEMAN KEUNG,	
	RECOMMENDED DECISION,
Appellant	FINDINGS OF FACT, CONCLUSIONS
v.	OF LAW
SHERIFF'S DEPARTMENT,	
Respondent.	

APPEARANCES

For the Appellant: Audra C. Call, Esq.
Green & Shinee
16055 Ventura Blvd., Suite 1000
Encino, CA 91436

For the Respondent: Michael A. Heider, Esq.
Law Offices of Hausman & Sosa, LLP
18757 Burbank Blvd., Suite 305
Tarzana, CA 91356

Hearing Officer: Joseph P. Scully

Dates of Hearing: 10/20/14, 10/23/14, 10/28/14

ISSUES

On January 30, 2013, the Commission defined the issues in the Keung appeal to be:

1. Are the allegations contained in the department's letter of November 27, 2012, true?

2. If any or all are true, is the discipline appropriate?

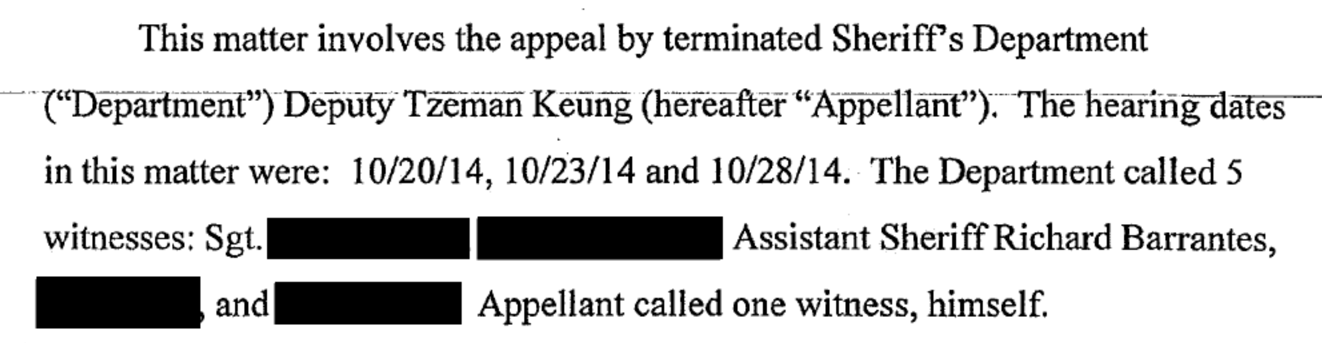
DEPARTMENT EXHIBITS

1. Intent to Discharge Letter
2. Discharge Letter
3. Disposition Sheet
4. Investigative Summary
5. Manual of Policy and Procedure
6. Interview of Complainant [redacted] by DDA Escobar
7. Interview of Complainant [redacted] by Detective Cid
8. Interview of Witness [redacted]
9. Interview of Witness [redacted]
10. Interview of Appellant Keung by Detective Cedeno
11. Interview of Appellant Keung by Sgt. Allen
12. Felony Sexual Battery report
13. Traffic Ticket issued to Complainant Gabriella F.
14. Investigative Report Felony Sexual Battery
15. Free Entry Log
16. Follow-Up Investigation Felony Sexual Battery
17. Core Values
18. Department's Discipline Guidelines
19. Department's Discipline Guidelines

APPELLANTS' EXHIBITS

A. IAB Investigator's Log
B. 1/22/14 DA Reject Memo
C. IAB Table of Contents
D. Daily Receipt Log
E. Performance Evaluation, 4/24/11 to 4/23/12

CASE SUMMARY



This matter involves the appeal by terminated Sheriff's Department ("Department") Deputy Tzeman Keung (hereafter "Appellant"). The hearing dates in this matter were: 10/20/14, 10/23/14 and 10/28/14. The Department called 5 witnesses: Sgt. [redacted] [redacted] Assistant Sheriff Richard Barrantes, [redacted], and [redacted] Appellant called one witness, himself.

The Department offered Exhibits 1-19 into evidence. Appellant offered Exhibits A-E into evidence. All exhibits offered by the Department and Appellant were accepted into evidence; no exhibits were refused.

Appellant was terminated effective November 26, 2012. The termination was based upon an allegation that on January 20, 2011, Appellant sexually assaulted a female by the name of [redacted] The alleged assault occurred at mid-morning, at the vehicle inspection station at the Metro Courthouse, 1945 Hill Street, Los Angeles, while Appellant was in uniform and on duty. Appellant denies any wrongdoing.

DISCUSSION

I. Are the Allegations of the November 27, 2012 Termination Letter True?

A. Undisputed facts.

On January 20, 2011, at approximately 11:00 a.m., a 37 year old female by the name of [redacted] (hereafter "[redacted]") brought her Honda Civic to the Sheriff's Department vehicle inspection station at the Metro Courthouse, located at 1945 Hill Street, Los Angeles. She had received a ticket for burned out

headlight, and she needed to get the repair cleared by law enforcement. At that date and time, Deputy Tzeman Keung ("Appellant") was assigned to the vehicle inspection station.

When [redacted] arrived, Appellant inspected the car and then invited [redacted] into the office. He completed some paperwork, then advised her that to clear the ticket, she needed to pay $25 in the form of a check or money order. [redacted] left and obtained a money order, then returned a short time later. When she returned, she did not leave her car. She gave Appellant the paperwork, and he finalized it and dropped the envelope in the drop box located inside the office. After that, he then entered the passenger seat of [redacted] car. He directed her to drive into the adjacent Courthouse parking lot, which is an underground lot with levels A-C. The Department alleges that Appellant sexually assaulted [redacted] when she was in the office, and when Appellant entered her car. Appellant denies any misconduct.

B. Summary of [redacted] Testimony.

[redacted] is age 37. She is a native Spanish speaker and her English is limited. Her testimony at the Hearing was in Spanish through an interpreter. According to [redacted] when she initially went into the office area, Appellant told her the computers were working very slowly. He asked her to write her name and telephone number on a slip of paper, and she complied. (Appellant's first language is Cantonese, but he also speaks English. Appellant's communication with [redacted] was mostly in English.)

According to [redacted] after Appellant had entered some information in the computer, he came from around a desk and he eyed her body up and down. He told her "I like your body" two times. He asked her "Do you like my body?" She testified she was uncomfortable with his leering and his comments, so she acted as

if she did not comprehend his comments. He said to her "in Spanish, tits is 'tetas,' right?" Again, she pretended not to comprehend his meaning. She tried to steer the conversation back to the ticket. He gave her directions to a check cashing store where she could purchase a money order. He then told her "I like your tetas" while simultaneously touching both breasts with both hands.

[redacted] testified that when she was interviewed by the LAPD, she had made a mistake in stating that Appellant had fondled her breasts from behind. She was certain that he fondled the breasts from the front.

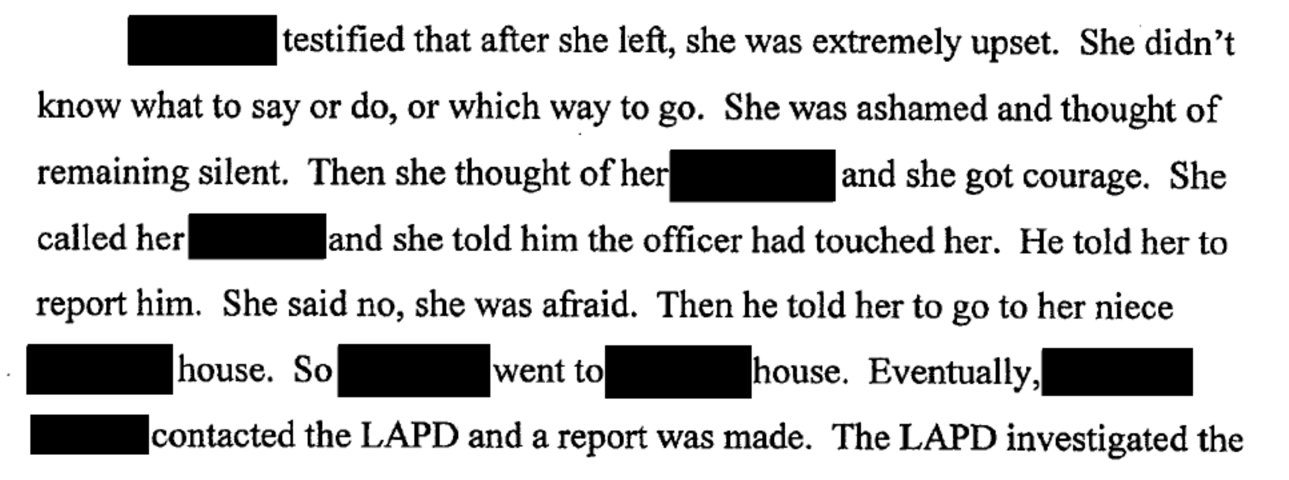
[redacted] stated that after Appellant fondled her breasts, he opened the door and she left the office. She obtained the money order and returned. When she returned, Appellant came to her car door and [redacted] filled out the money order. Appellant took the money order and told [redacted] to wait for a few minutes while he went inside the office and deposited the money order into the drop box. After a few minutes, he returned and he entered [redacted] car and sat in the front passenger seat. She testified that she did nothing to invite him into her car. He told her he needed a ride and directed her into the adjacent courthouse parking lot.

They entered the parking lot, and Appellant signed a log at the gate which meant there was no parking fee. Then, according to [redacted] she drove into the parking lot. There was no conversation as she drove. She testified that Appellant motioned with his hand telling her where to drive. As she drove, she noticed his hand on his private parts. She described him as masturbating. As they descended into the lower levels of the parking structure, it became darker and on the lowest level "C" there were no people and only 2-3 cars. At that time, he told her to park the car.

At that moment, she got a call from her [redacted] The call startled him. She did not answer the call, but she could see it was her [redacted] She used the call as

a pretext, telling Appellant that her [redacted] was sick and she needed to leave immediately. She turned the car around without parking and drove back up to the inspection station. He did not say anything. [redacted] parked in the inspection area. After she parked, he continued to masturbate himself. Her hand was on the manual gear shift lever, and he put his hand on top of hers and moved it up and down the shift lever to simulate masturbating the lever. He told her to "kiss my dick" 2-3 times. He asked her "do you want to see it [i.e., penis]," and she told him "no, I have to leave, my [redacted] is sick, I have to leave. I'll come back tomorrow."

She testified that the expression on his face was happy. He said, "you promise you will come back?" She said "yes." He asked "what time?" She told him "11." At that point, he put his left hand between her legs, touching her vagina over her clothing. She told him "don't do it, I need to leave. I promise I will come back tomorrow." She testified that Appellant then pulled his zipper up. He told her "don't leave, wait." Then he got out and came around to her side of the car and opened her door, and squatted down. He again put his hand on her vagina over the clothing. She told him "don't do it, please. You're in your work area, don't do it. I'll come back tomorrow." He told her "you promise?" Then he said "ok, we'll see each other tomorrow." He allowed her to leave.



[redacted] testified that after she left, she was extremely upset. She didn't know what to say or do, or which way to go. She was ashamed and thought of remaining silent. Then she thought of her [redacted] and she got courage. She called her [redacted] and she told him the officer had touched her. He told her to report him. She said no, she was afraid. Then he told her to go to her niece [redacted] house. So [redacted] went to [redacted] house. Eventually, [redacted] contacted the LAPD and a report was made. The LAPD investigated the

case, including an interview with [redacted] and with Appellant. Ultimately the District Attorney did not file a case against Appellant because of a lack of sufficient corroborating evidence.

C. Summary of Appellant's Testimony.

Appellant testified that he did not recall [redacted] until he was contacted by the LAPD. She told him to call her [redacted] He inspected her car, then asked her to come into office to complete the paperwork. In the office, he had a friendly conversation with her. She told him about her [redacted] that her [redacted] was always out of town and she was in a bad [redacted] She gave him her phone number and asked if he was married and told him "call me Gabe" and "you can call me." He explained to her about the drop box, and her need for a money order. So, she decided to get the money order.

He testified that when she left, they were together by the door, and were very close, and he reached around her to open the door. But, he denied touching her breasts. He denied commenting on her breasts or her body. When she left, she was not upset.

After she returned, she was not upset. He went outside and kneeled down next to the driver's door. He collected [redacted] paperwork and dropped the package in the drop box. He then came over to her car and said "is there anything else I can help you with, I'm on my lunch time." She said "I have more business to do inside the courtroom." So he got in her car to "assist her." He said it was a common courtesy when the computer was slow, to give more convenience to the public, to allow them to park for free.

When Appellant got in the car he instructed [redacted] to drive into the parking lot. He said that he instructed her to look for the first available parking space, but she drove to the "C" level. She asked him "where is your car?" He was

surprised. He said at that point he realized there had been a misunderstanding, because he never told her to go to his car. He did not recall her response when he told her his car was on the "A" level.

At that time, they drove out of the garage. He denies touching her, and denies masturbating himself. He said she spoke with her daughter on the way out of the parking garage. She told him her daughter was sick, and she had to leave. He said that they had a "huge misunderstanding."

When she exited the parking lot she stopped at the inspection station, and she told him "I'll come back tomorrow." He testified he did not know why she said this. He denies touching [redacted] or touching himself. He did not tell her to kiss his penis. After she left, he went on his way.

D. Analysis of the Evidence.

To a large extent, the analysis of the evidence in this case boils down to an analysis of the credibility of [redacted] the accuser, vs. that of Appellant, the accused. The Hearing Officer finds that the credibility determinations strongly support the testimony of the accuser, [redacted] and weigh against Appellant.

Overall, [redacted] account of the events is highly credible. [redacted] presents herself as an intelligent, attractive, conservatively dressed young woman. [redacted] emotional affect throughout the entire duration of her testimony was highly appropriate and was consistent with the facts she was relating. For example, at first she appeared frightened and reluctant to testify. As her testimony proceeded, she became more forceful and urgent. She was highly focused and specific when stating her recollection of events. She did not display any hesitancy or uncertainty in responding to questions. She gave focused, complete and responsive answers to the questions she was asked.

When she testified to Appellant placing his hand on her vagina, she displayed a deep and genuine distress. Her emotional reaction was spontaneous and powerful; there was nothing false about it. It is evident that [redacted] was deeply traumatized by her experience with Appellant. She demonstrated her feelings of shame and anger, and was highly indignant at the violation of her person.

[redacted] genuine emotional reactions were coupled with a highly specific account of the facts. She testified that she was extremely frightened of Appellant because she knew he had a gun and she did not know what he might do. She testified that when he put his hand on her vagina, she begged him to remove it but she did not push his hand away, did not physically resist. It was clear to the Hearing Officer that [redacted] felt ashamed and degraded by this intimate pawing of her body, but she was also so terrified that she wasn't even willing to push Appellant's hand away from her body.

The Hearing Officer also noticed that during [redacted] highly emotional testimony describing Appellant's sexual assault on [redacted] that Appellant seemed to mentally dissociate from the events. That is, while [redacted] was testifying, Appellant did not look at her. Appellant stared straight ahead, staring blankly into space, and showed no emotional reaction whatsoever. Appellant's mental dissociation strongly suggests consciousness of guilt.

In general, the Hearing Officer finds that Appellant's account of his conduct and explanation for his actions are unconvincing and lack credibility. In general, Appellant tries to portray himself as a helpful but falsely accused deputy. But his demeanor at the Hearing was inconsistent with that portrayal. For example, Appellant has never shown any sense of passion or indignant anger that one would expect from someone responding to false allegations of sexual misconduct.

In this case, either [redacted] is being truthful and honest, or she is deliberately and maliciously trying to destroy Appellant's life and career. If it was the latter, one would reasonably expect Appellant to be quite angry and definite in his refutation of [redacted] facts. But Appellant never demonstrated such passion. His demeanor is that of a wounded and perplexed good Samaritan, exhibiting confusion as to how his gentle good intentions could be so misunderstood.

Appellant's statements, when scrutinized, tend to break down and were not supported with corroborating evidence and were not consistent with common experience. For example, Appellant testified he wanted to help [redacted] because she said she had more business in the courtroom. But if Appellant truly wanted to help [redacted] he would have asked her what business she had and then given her advice on how to get it done. Being truly helpful means giving advice. For example, courtrooms are closed from 12:00 p.m. until 1:30 p.m., and being truly helpful would be to advise [redacted] to return at 1:30. A helpful deputy gives advice, provides guidance and instruction.

In contrast, however, a deputy entertaining a sexual fantasy about having sex with a woman he just met behaves exactly as Appellant did in this case. That is, the deputy hoping for the sexual encounter enters the car uninvited and sits back while the woman drives to the darkest and least occupied level of the parking structure.

In part of his testimony, Appellant implies that [redacted] was sexually coming on to him, for example by voluntarily giving him her telephone number and instructing him he could call her, and by leaning into him. Appellant testified he thought "something might happen" between him and [redacted] But when asked what he thought might happen, his testimony was "maybe we become

friends." By "friends," he meant "have a conversation after work." This testimony is simply not credible.

Appellant steadfastly denied any fantasy or thought of having a sexual encounter with [redacted] This denial completely lacks credibility. There are obvious sexual overtones present when a young man enters into a confined private space with a young woman, and they are seated inches apart, alone in a dark and empty underground parking lot. Appellant's denial of having any sexual feelings about being alone with [redacted] is inconsistent with common experience and therefore not credible.

Appellant also testified that there was a "huge misunderstanding" between him and [redacted] It is interesting to the Hearing Officer that Appellant used the term "huge misunderstanding" to describe his encounter with [redacted] He used this term at least 3 times in his Hearing testimony, and used it several additional times in his IAB interview. The Hearing Officer finds that there was a huge misunderstanding between Appellant and [redacted] but it was not the misunderstanding that Appellant claims it to be.

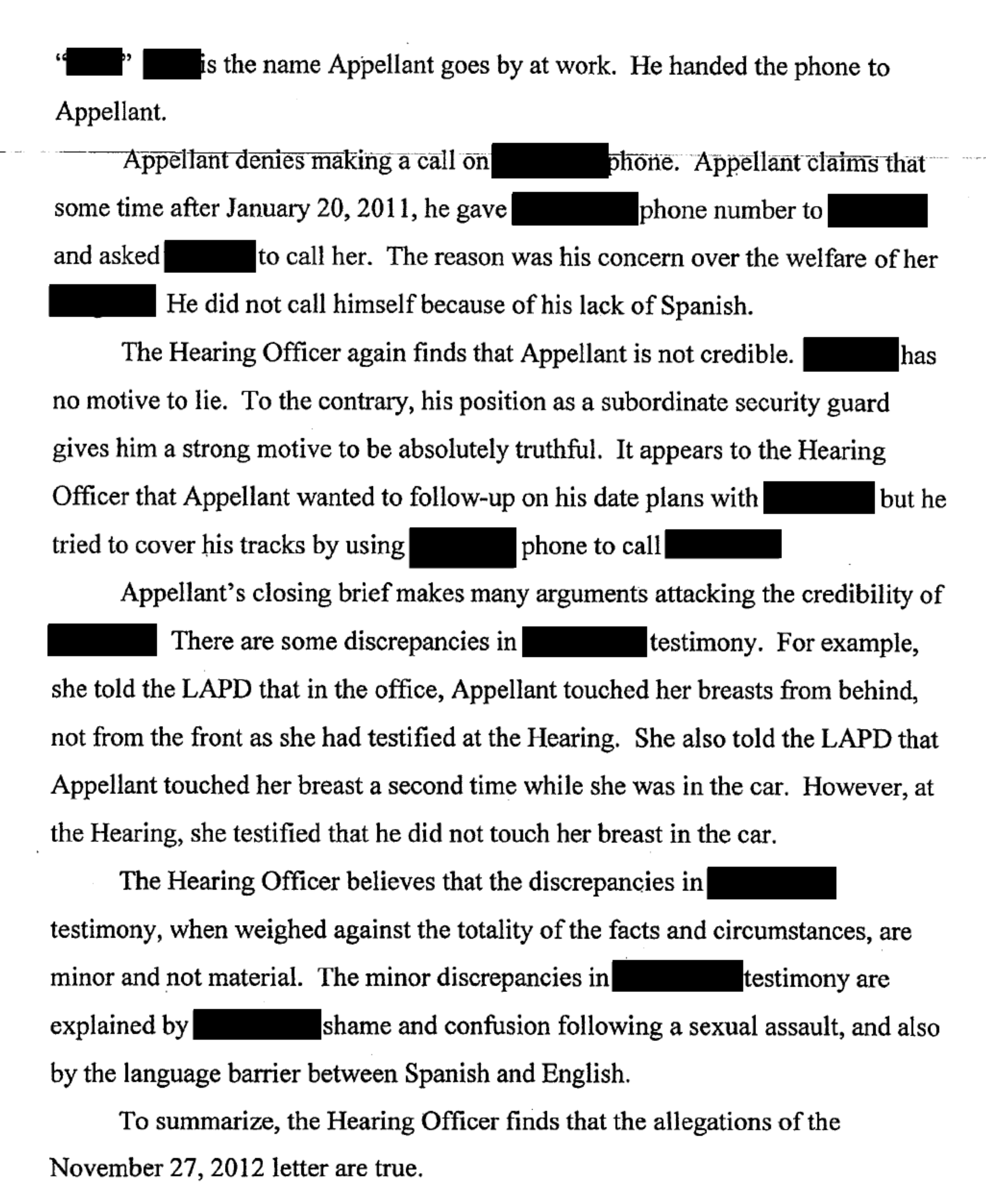
[redacted] went to the inspection station and was moderately outgoing and friendly towards Appellant, which is consistent with her personality, including the fact that she was dealing with an authority figure for whom she held respect. Appellant however, apparently had been harboring the fantasy of meeting a woman on the job and subsequently having sex in the courthouse parking lot.

The evidence suggests that Appellant mistook [redacted] friendly demeanor as indicating a sexual interest in him. When he leered at her in the office, she politely ignored it but he mistook that as encouragement. When he made rude sexual comments to her ("I like your tetas"), she again politely ignored it and pretended not to be bothered. When he touched her breasts in the office and

she did not object or push his hands away, he again mistook that as encouragement. When she told him in the car, "I'll come back tomorrow," he mistook that as her having a definite willingness to engage in a sex act with him, and that is when he placed his hand on her vagina. The "huge misunderstanding" that Appellant repeatedly identified was his misunderstanding in thinking that [redacted] was inviting or at least receptive to his sexual advances.

The remaining testimony at the Hearing also supports the finding that [redacted] testimony was credible and truthful, and Appellant's not. This included the testimony of [redacted] is in her middle to late 20s. [redacted] testified that on the date of the incident, [redacted] received a call from [redacted]. [redacted] described [redacted] as "panicked." [redacted] had driven to [redacted] home, and asked [redacted] to come over. When [redacted] arrived home, [redacted] was panicked. Her face was red, she was crying and her eyes watery. [redacted] described how she went to the inspection station and the officer had gotten in her car and then put his hand on her private parts. She also said the officer was masturbating himself and masturbated the gear shift lever with her hand. [redacted] told [redacted] how she was able to escape by telling the officer that her daughter was sick. [redacted] testified that she encouraged [redacted] to report the incident to the police. [redacted] testimony credibly corroborates [redacted] testimony.

Another witness to testify was [redacted] Mr. [redacted] is a security guard who works at the Metro Courthouse. He works the front door security screening post at the courthouse. Appellant at times works there as [redacted] supervisor. [redacted] testified that some time in January 2011, Appellant asked to borrow [redacted] cell phone. He loaned the phone to Appellant for about 10 minutes. Later that same day, he received a call from a woman who asked for



“[redacted]” [redacted] is the name Appellant goes by at work. He handed the phone to Appellant.

Appellant denies making a call on [redacted] phone. Appellant claims that some time after January 20, 2011, he gave [redacted] phone number to [redacted] and asked [redacted] to call her. The reason was his concern over the welfare of her [redacted] He did not call himself because of his lack of Spanish.

The Hearing Officer again finds that Appellant is not credible. [redacted] has no motive to lie. To the contrary, his position as a subordinate security guard gives him a strong motive to be absolutely truthful. It appears to the Hearing Officer that Appellant wanted to follow-up on his date plans with [redacted] but he tried to cover his tracks by using [redacted] phone to call [redacted]

Appellant’s closing brief makes many arguments attacking the credibility of [redacted] There are some discrepancies in [redacted] testimony. For example, she told the LAPD that in the office, Appellant touched her breasts from behind, not from the front as she had testified at the Hearing. She also told the LAPD that Appellant touched her breast a second time while she was in the car. However, at the Hearing, she testified that he did not touch her breast in the car.

The Hearing Officer believes that the discrepancies in [redacted] testimony, when weighed against the totality of the facts and circumstances, are minor and not material. The minor discrepancies in [redacted] testimony are explained by [redacted] shame and confusion following a sexual assault, and also by the language barrier between Spanish and English.

To summarize, the Hearing Officer finds that the allegations of the November 27, 2012 letter are true.

II. IS THE PENALTY OF TERMINATION APPROPRIATE?

A. General considerations.

The overriding consideration in cases of discipline of a public employee is the extent to which the employee's conduct resulted in, or if repeated is likely to result in, harm to the public service. Other relevant factors include the circumstances surrounding the misconduct and the likelihood of its recurrence. The public is entitled to protection from unprofessional employees whose conduct places people at risk of injury and the government at risk of incurring liability.

B. Analysis.

In acting as he did, Appellant demonstrated multiple deficiencies which render him unfit for further service as a deputy. Appellant has only 18 months of tenure with the Department. His conduct with [redacted] showed incredibly poor judgment. He showed poor judgment in even trying to have a sexual rendevous while in uniform and on duty. Even if the other person is 100% consenting, it is still a crime to commit a sexual act in a public place.

Appellant also showed incredibly poor judgment in his evaluation of [redacted] appears to be a conservative, family-oriented married woman. There is nothing about [redacted] which suggests that she would be willing to perform a sex act in a public parking lot with a relative stranger within 30 minutes after first meeting him. Yet, that is apparently exactly what Appellant thought would happen. This shows incredibly poor judgment on Appellant's part.

In touching the breasts and vagina of a women he had just met in an on duty encounter, Appellant also demonstrated incredible recklessness. He also caused extreme emotional trauma to an innocent person. His denials also indicate an inability and unwillingness to take responsibility for his conduct, to own up to his actions. The denials also indicate a lack of integrity.

[redacted] did not file a civil lawsuit against the County. (Her refraining from filing a civil lawsuit only adds to her overall credibility.) However, the type of high risk conduct which Appellant engaged in, if repeated, has great potential to result in significant civil liability to the County. Thus, under every measure, Appellant's termination in this matter is appropriate.

FINDINGS OF FACT

1. On January 20, 2011, [redacted] (her full name is kept confidential due to the sexual nature of this matter) brought her Honda Civic automobile to the vehicle inspection station at the Metro Courthouse, located at 1945 Hill Street, Los Angeles. [redacted] purpose was to clear a "fix it" ticket for a broken headlamp.

2. Deputy Tzeman Keung ("Appellant") was in uniform and on duty at the vehicle inspection station when Gabriella arrived.

3. While in the vehicle inspection office, Appellant asked [redacted] to provide him with her name and telephone number and she complied. Appellant also leered at [redacted] in a sexually suggestive manner; he asked [redacted] if "tits" in Spanish was "tetas;" he told [redacted] two times that he liked her body; he asked her if she liked his body; he told her he liked her "tetas;" and he fondled both her breasts with his two hands.

4. Appellant advised [redacted] that to clear her ticket, she needed to obtain a check or money order to pay $25 to the LAPD. He advised her on where she could obtain a money order. [redacted] left the vehicle inspection station and

then returned 15 minutes later with the money order.

5. When [redacted] returned to the vehicle inspection station, Appellant stood at the driver's door and instructed [redacted] what to write on the money order. Appellant then instructed [redacted] to wait for him, and he took the money order and assembled the necessary paperwork and dropped it in the drop box inside the office. Then he returned to [redacted] vehicle.

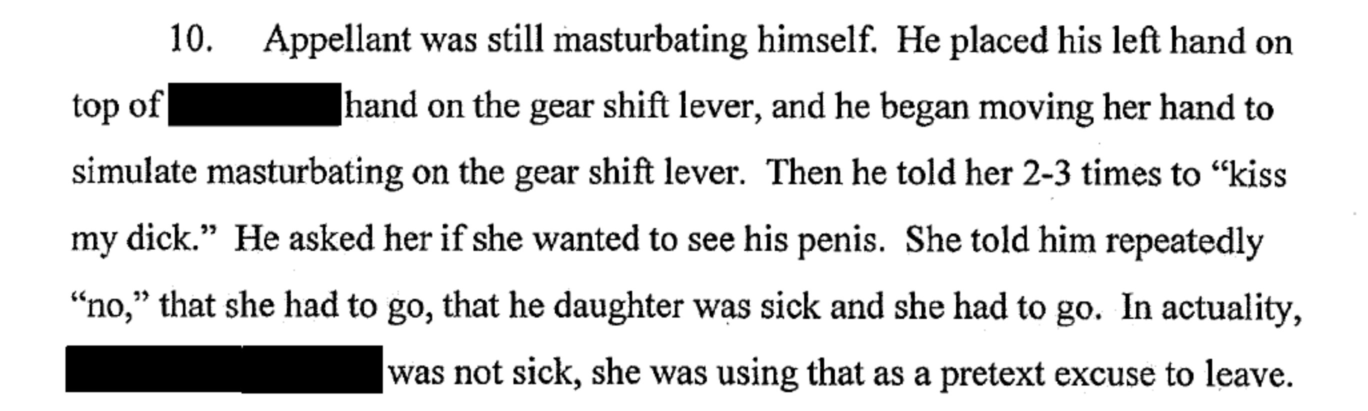
6. Appellant then entered [redacted] vehicle and sat in the passenger seat. Appellant did not ask for [redacted] consent, and she did not give it. Appellant instructed [redacted] to enter the adjacent underground courthouse parking lot.

7. Appellant entered [redacted] car with the intent to proceed together with her to the lowest level C, which is dark and has few or no cars, and to then have sexual relations with [redacted]

8. After Appellant entered [redacted] car, he directed her to proceed downward into the underground parking structure. As she was driving, Appellant began masturbating himself over his pants. When they reached level "C," the parking lot was very dark and empty. Appellant directed [redacted] to park the car. At that moment, [redacted] phone rang and the display indicted it was her daughter.

9. [redacted] did not park the car. She immediately turned the car around and began driving out of the parking lot. She told Appellant that her daughter was

sick and she needed to leave. She exited the parking structure and parked outside the vehicle inspection office.



10. Appellant was still masturbating himself. He placed his left hand on top of [redacted] hand on the gear shift lever, and he began moving her hand to simulate masturbating on the gear shift lever. Then he told her 2-3 times to "kiss my dick." He asked her if she wanted to see his penis. She told him repeatedly "no," that she had to go, that he daughter was sick and she had to go. In actuality, [redacted] was not sick, she was using that as a pretext excuse to leave.

11. As a further pretext to get permission to leave, [redacted] told Appellant that she would return to the vehicle inspection station the next day. At that point, Appellant placed his left hand between [redacted] legs, touching the vagina over the clothing. [redacted] was terrified and did not physically push or otherwise move Appellant's hand. She repeatedly implored him that she had to leave, her daughter was sick, and she promised to return the next day. At that point, Appellant pulled the zipper of his trousers up. He told [redacted] "don't leave, wait" and he exited the car.

12. Appellant then came around [redacted] car, and he opened the driver's door and he squatted down. He again placed his hand on her vagina. She again implored him not to do that, and again promised to return the next day. At that point, Appellant allowed [redacted] to leave.

13. At no time did [redacted] invite Appellant's sexual advances. At no time did [redacted] consent to allow herself to be touched in a sexual manner by

Appellant.

14. On or about February 23, 2012, Appellant was interviewed by the Department's Internal Affairs Bureau. During that interview, he was specifically questioned about what transpired between him and [redacted] on January 20, 2011.

15. During the course of his February 23, 2012 IAB interview, Appellant gave numerous false and untrue statements. He falsely denied his sexual comments to [redacted] in the office area; he falsely denied touching her breasts in the office area; he falsely denied masturbating himself while in [redacted] car; and he falsely denied touching [redacted] vagina through her clothing.

16. At all times in her testimony at the Hearing, [redacted] testimony was honest and credible. Appellant's testimony was not credible.

17. Appellant's conduct towards [redacted] on January 20, 2011 caused [redacted] to suffer significant emotional trauma.

CONCLUSIONS OF LAW

1. Appellant's conduct on January 20, 2011 violated the Department's Manual of Policy and Procedures ("Manual") Section 3-01/050.10, Performance to Standards.

2. Appellant's conduct on January 20, 2011 violated the Department's Manual Section 3-01/000.10, Professional Conduct.

3. Appellant's conduct on January 20, 2011 violated the Department's Manual Section 3-01/030.060, Inappropriate/Disorderly Conduct.

4. Appellant's conduct on January 20, 2011 violated the Department's Manual Section 3-01/030.70, Immoral Conduct.

5. Appellant's conduct on January 20, 2011 violated the Department's Manual Section 3-01/030.05, General Behavior.

6. Appellant's conduct on January 20, 2011 violated the Department's Manual Section 3-01/030.85, Derogatory Language.

7. Appellant's conduct on February 23, 2012 violated the Department's Manual Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During a Departmental Internal Investigation.

8. The Department's termination of Appellant, based upon the totality of the facts and circumstances in this case, is appropriate.

RECOMMENDATION TO COMMISSION

I respectfully recommend to the Commission that the discipline against Appellant Tzeman Keung be upheld.

Dated: JANUARY 5, 2015

Respectfully Submitted,

Joseph P. Scully, Hearing Officer



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

November 27, 2012

Deputy Tzeman Keung, #[redacted]

Dear Deputy Keung:

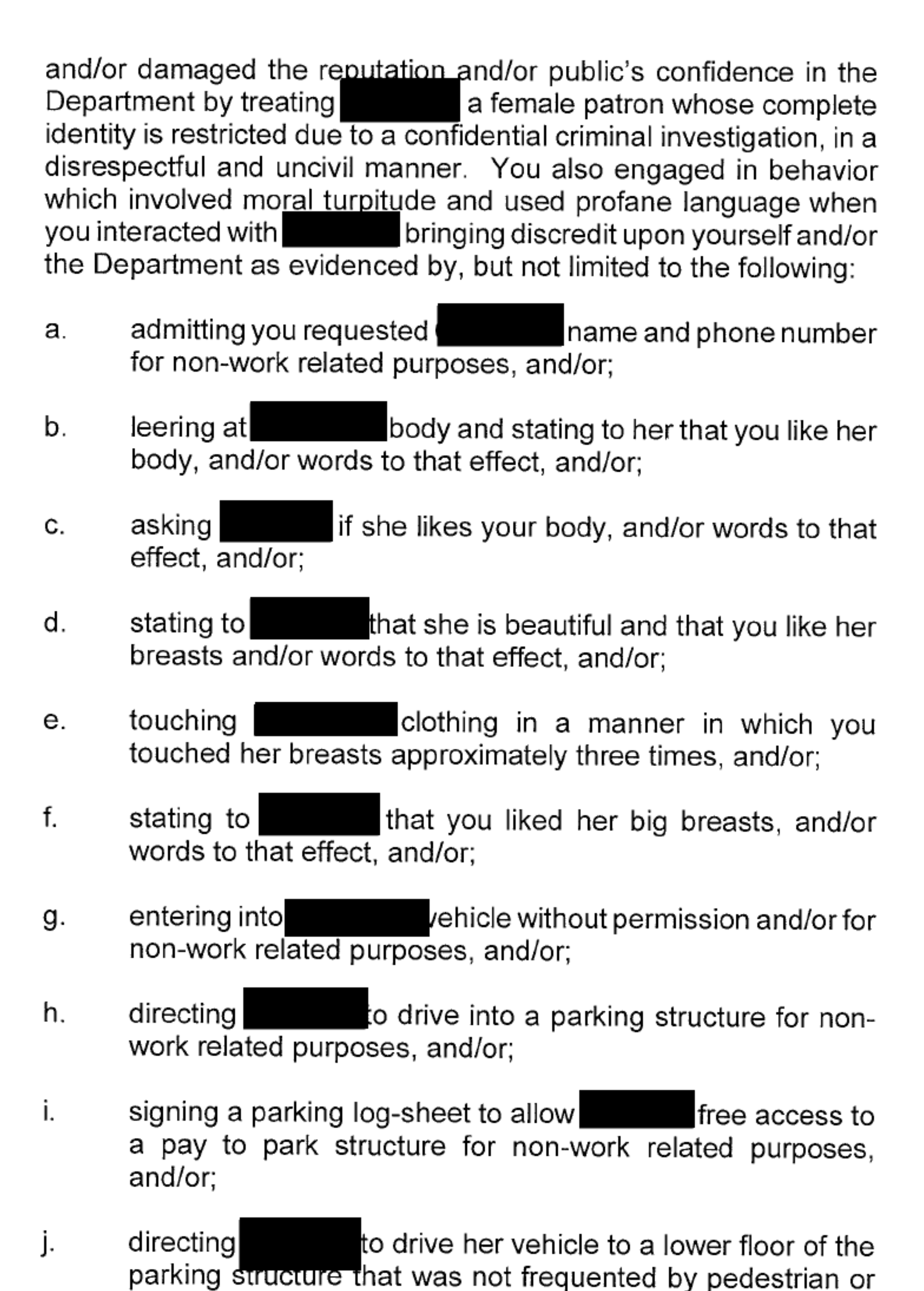
On October 23, 2012, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2281711. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on November 26, 2012.

An investigation under File Number IAB 2281711, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10 Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.06, Inappropriate/Disorderly Conduct; and/or 3-01/030.07, Immoral Conduct; and/or 3-01/030.05, General Behavior; and/or 3-01/030.85, Derogatory Language, on or about January 20, 2011, while on duty and working in uniform at the vehicle inspection area of the Metropolitan Court Building, you failed to perform your duties in a manner which conformed to the standards of your position when you caused undue embarrassment



and/or damaged the reputation and/or public's confidence in the Department by treating [redacted] a female patron whose complete identity is restricted due to a confidential criminal investigation, in a disrespectful and uncivil manner. You also engaged in behavior which involved moral turpitude and used profane language when you interacted with [redacted] bringing discredit upon yourself and/or the Department as evidenced by, but not limited to the following:

a. admitting you requested [redacted] name and phone number for non-work related purposes, and/or;

b. leering at [redacted] body and stating to her that you like her body, and/or words to that effect, and/or;

c. asking [redacted] if she likes your body, and/or words to that effect, and/or;

d. stating to [redacted] that she is beautiful and that you like her breasts and/or words to that effect, and/or;

e. touching [redacted] clothing in a manner in which you touched her breasts approximately three times, and/or;

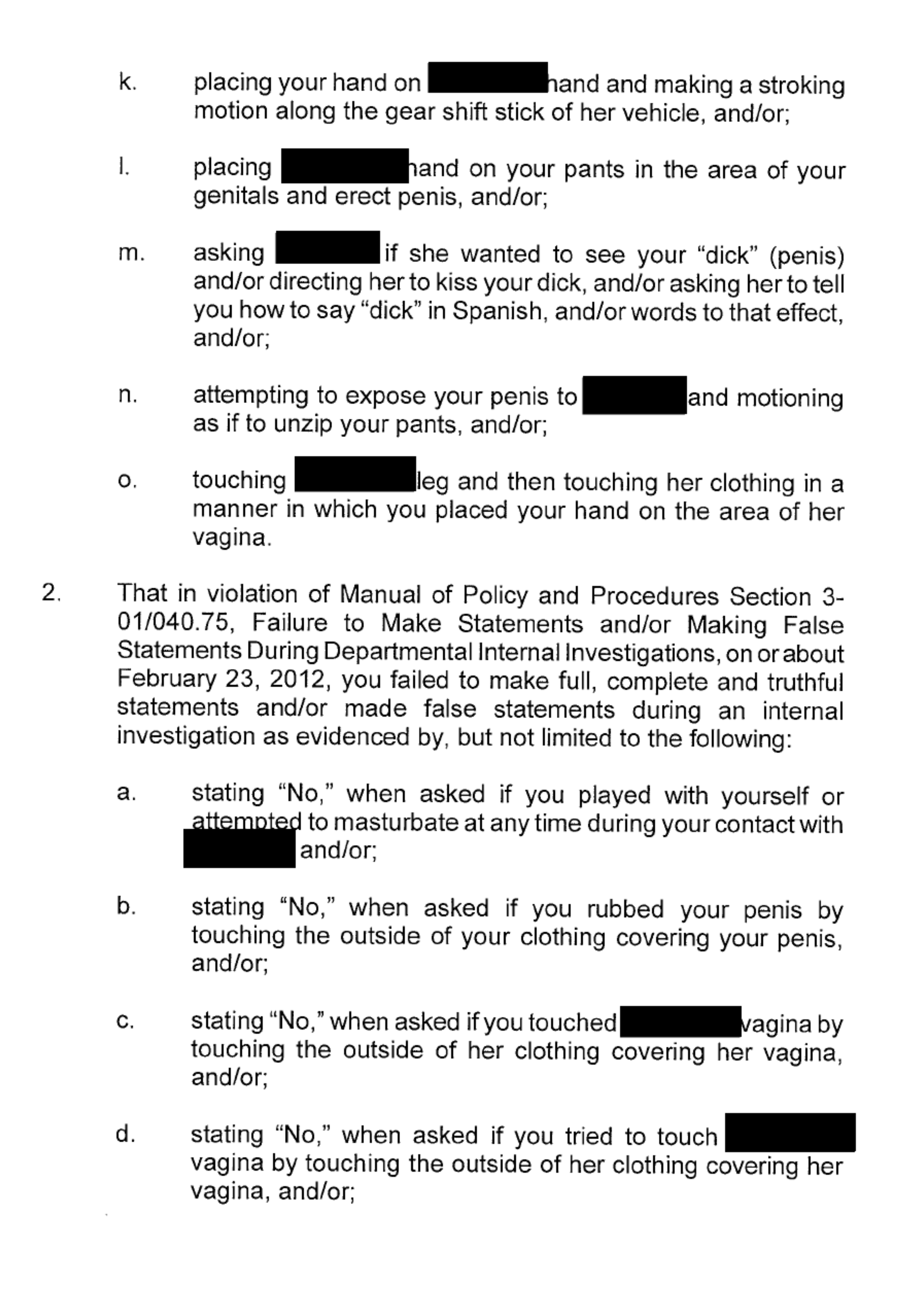
f. stating to [redacted] that you liked her big breasts, and/or words to that effect, and/or;

g. entering into [redacted] vehicle without permission and/or for non-work related purposes, and/or;

h. directing [redacted] to drive into a parking structure for non-work related purposes, and/or;

i. signing a parking log-sheet to allow [redacted] free access to a pay to park structure for non-work related purposes, and/or;

j. directing [redacted] to drive her vehicle to a lower floor of the parking structure that was not frequented by pedestrian or vehicle traffic and touching the outside of your pants in the area of your genitals, and/or masturbating, and/or;



k. placing your hand on [redacted] hand and making a stroking motion along the gear shift stick of her vehicle, and/or;

l. placing [redacted] hand on your pants in the area of your genitals and erect penis, and/or;

m. asking [redacted] if she wanted to see your "dick" (penis) and/or directing her to kiss your dick, and/or asking her to tell you how to say "dick" in Spanish, and/or words to that effect, and/or;

n. attempting to expose your penis to [redacted] and motioning as if to unzip your pants, and/or;

o. touching [redacted] leg and then touching her clothing in a manner in which you placed your hand on the area of her vagina.

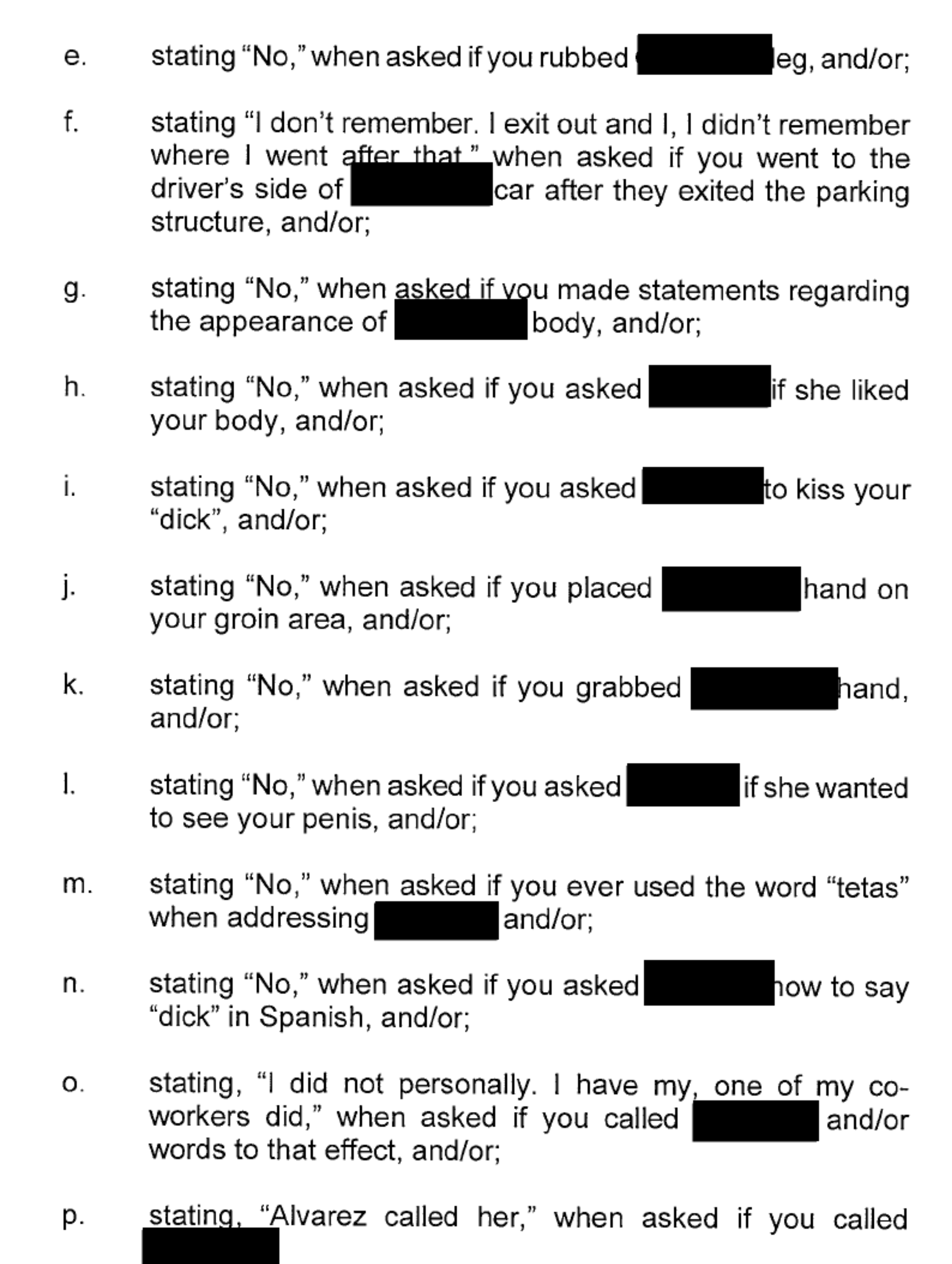
2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about February 23, 2012, you failed to make full, complete and truthful statements and/or made false statements during an internal investigation as evidenced by, but not limited to the following:

a. stating "No," when asked if you played with yourself or attempted to masturbate at any time during your contact with [redacted] and/or;

b. stating "No," when asked if you rubbed your penis by touching the outside of your clothing covering your penis, and/or;

c. stating "No," when asked if you touched [redacted] vagina by touching the outside of her clothing covering her vagina, and/or;

d. stating "No," when asked if you tried to touch [redacted] vagina by touching the outside of her clothing covering her vagina, and/or;



e. stating "No," when asked if you rubbed [redacted]eg, and/or;

f. stating "I don't remember. I exit out and I, I didn't remember where I went after that," when asked if you went to the driver's side of [redacted] car after they exited the parking structure, and/or;

g. stating "No," when asked if you made statements regarding the appearance of [redacted] body, and/or;

h. stating "No," when asked if you asked [redacted] if she liked your body, and/or;

i. stating "No," when asked if you asked [redacted] to kiss your "dick", and/or;

j. stating "No," when asked if you placed [redacted] hand on your groin area, and/or;

k. stating "No," when asked if you grabbed [redacted] hand, and/or;

l. stating "No," when asked if you asked [redacted] if she wanted to see your penis, and/or;

m. stating "No," when asked if you ever used the word "tetas" when addressing [redacted] and/or;

n. stating "No," when asked if you asked [redacted]ow to say "dick" in Spanish, and/or;

o. stating, "I did not personally. I have my, one of my co-workers did," when asked if you called [redacted] and/or words to that effect, and/or;

p. stating, "Alvarez called her," when asked if you called [redacted]

In the alternative, even if we accept your verbatim testimony during your Internal Affairs Bureau investigation, the evidence in this investigation supports and subjects you to the following charges:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/000.10, Professional Conduct; and/or 3-01/030.05, General Behavior, on or about January 20, 2011, while on duty and working in uniform at the vehicle inspection area of the Metropolitan Court Building, you failed to perform your duties in a manner which conformed to the standards of your position when you caused undue embarrassment and/or damaged the reputation and/or public's confidence in the Department during your interactions with [redacted] a female patron whose complete identity is restricted due to a confidential criminal investigation. You also brought discredit upon yourself and/or the Department as evidenced by, but not limited to the following:

   a. admitting you requested [redacted] name and phone number for non-work related purposes, and/or;

   b. entering into [redacted] vehicle without permission and/or for non-work related purposes, and/or;

   c. directing [redacted] to drive into a parking structure for non-work related purposes, and/or;

   d. signing a parking log-sheet to allow [redacted] free access to a pay to park structure for non-work related purposes, and/or;

   e. directing [redacted] to drive her vehicle to a lower floor of the parking structure for non-work related purposes, and/or;

   f. directing [redacted] to drive to a secluded area near the vehicle inspection area for non-work related purposes, and/or;

   g. calling, and/or having a phone call placed to [redacted] while on duty without a work-related purpose.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about February 23, 2012, you failed to make full, complete and truthful statements and/or made false statements during an internal investigation as evidenced by, but not limited to the following:

   a. stating, "I did not personally. I have my, one of my co-workers did," when asked if you called [redacted] and/or words to that effect, and/or;

   b. stating, "Alvarez called her," when asked if you called [redacted]

Additional facts and grounds for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

RICHARD J. BARRANTES, CHIEF
COURT SERVICES DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

RJB:KJM:AEA:md

c: Advocacy Unit
Steven E. Biagini, Captain, Court Services Central Bureau
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration